

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:24-00098

TRACY DON JACKSON, JR.

**MEMORANDUM OPINION AND ORDER**

Trial of this matter is scheduled for Tuesday, June 3, 2025. Pending before the court is defendant's motion to continue the trial date in this matter. (ECF No. 28). Defendant needs additional time to obtain a fingerprint analysis of the firearm and baggies involved in the case.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** the defendant's motion to continue. In deciding to grant the motion to continue, the court considered the factors outlined in 18 U.S.C. §3161(h)(7)(B) and finds that failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, the court hereby **ORDERS** as follows:

1. Trial of this action is continued until July 8, 2025, at 9:30 a.m., in Charleston.<sup>1</sup>
2. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

In the motion for fingerprint analysis (ECF No. 29), defendant asks the court to order the government to do the testing. However, at the pretrial motions hearing held on April 30, 2025, counsel for defendant stated that defendant wanted his own analysis conducted. Furthermore, as the court advised at the hearing, counsel for defendant needs to consult with the CJA Supervising Attorney regarding the necessary steps to secure funds for the desired testing. Accordingly, the motion for fingerprint analysis is **DENIED** as moot.

As for defendant's motion for additional discovery filed on February 20, 2025, see ECF No. 20, the court is aware that defendant has received additional discovery from the government. Accordingly, the motion is **DENIED**. However, if defendant believes that he has not received discovery to which he is entitled, he may renew his motion and indicate the specific discovery that he believes is outstanding.

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<sup>1</sup> If additional time is needed, counsel for defendant can file another motion to continue.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 21st day of May, 2025.

ENTER:

A handwritten signature in dark ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge